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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA, )  
11 Plaintiff, )  
12 v. )  
13 BERNARDO PEREZ, )  
14 Defendant. )  
15

CASE NO. 07-31M

DETENTION ORDER

16 Offenses charged:

17 Count I: Possession with Intent to Distribute Marijuana, in violation of Title  
18 21, U.S.C., Sections 841(a)(1), 841(b)(1)(D), and Title 18, U.S.C.,  
19 Section 2;

20 Count II: Conspiracy to Distribute Cocaine, in violation of Title 21, U.S.C.,  
21 Sections 841(a)(1), 841(b)(1)(A) and 846.

22 Date of Detention Hearing: January 26, 2007

23 The Court, having conducted a contested detention hearing pursuant to Title 18  
24 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention  
25 hereafter set forth, finds that no condition or combination of conditions which the defendant  
26 can meet will reasonably assure the appearance of the defendant as required and the safety

1 of any other person and the community. The Government was represented by Susan Roe.  
2 The defendant was represented by Allen Bentley.

3 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

4 (1) There is probable cause to believe the defendant committed the drug  
5 offense. The maximum penalty is in excess of ten years. There is  
6 therefore a rebuttable presumption against the defendant's release based  
7 upon both dangerousness and flight risk, under Title 18 U.S.C. §  
8 3142(e).

9 (2) Nothing in this record satisfactorily rebuts the presumption for several  
10 reasons. Under Title 18 § 3142 (g), the Court considered the following:

11 (a) The nature and circumstances of the offense charged, including  
12 whether the offense is a crime of violence or involves a narcotic  
13 drug. Here the two charged offenses are possession with intent to  
14 distribute marijuana and conspiracy.

15 (b) The weight of the evidence. Evidence of controlled substances  
16 and a substantial sum (\$150,000) of money were seized from the  
17 defendant's vehicle and residence.

18 (c) The history and characteristics of the person. The defendant's  
19 ties are to the Yakima community, with family members who  
20 reside there appearing at today's hearing. His parents were  
21 willing to have him live with them. While Defendant reports that  
22 he has recently traveled to Mexico, the Government alleges that  
23 these trips are directly connected to the transport of controlled  
24 substances across international borders. Current employment has  
25 not been verified.

26 (d) Risk of danger to the community. The nature of the two offenses

1 present an inherent danger to the community.

2 Based upon the foregoing information, it appears that there is no condition or  
3 combination of conditions that would reasonably assure future Court appearances and/or  
4 the safety of other persons or the community.

5 **It is therefore ORDERED:**

- 6 (1) The defendant shall be detained pending trial and committed to the  
7 custody of the Attorney General for confinement in a correction facility  
8 separate, to the extent practicable, from persons awaiting or serving  
9 sentences or being held in custody pending appeal;
- 10 (2) The defendant shall be afforded reasonable opportunity for private  
11 consultation with counsel;
- 12 (3) On order of a court of the United States or on request of an attorney for  
13 the Government, the person in charge of the corrections facility in which  
14 the defendant is confined shall deliver the defendant to a United States  
15 Marshal for the purpose of an appearance in connection with a court  
16 proceeding; and
- 17 (4) The clerk shall direct copies of this order to counsel for the United  
18 States, to counsel for the defendant, to the United States Marshal, and to  
19 the United States Pretrial Services Officer.

20 DATED this 25<sup>th</sup> day of January, 2007.

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23 MONICA J. BENTON  
24 United States Magistrate Judge  
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